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THE OFFICIAL LANGUAGES IN CANADA:

FEDERAL POLICY

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Political and Social Affairs Division

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THE OFFICIAL LANGUAGES IN CANADA: FEDERAL POLICY*

ISSUE DEFINITION

Since the time of the Royal Commission of Inquiry on Bilingualism and Biculturalism, federal official languages policy has been linked to the preservation of Canadian unity. The enshrinement of language rights in the Constitution in 1982 opened a new chapter in the evolution of these rights in Canada. Since that time, language issues have continued to attract public interest and have even led to tension. On the one hand, demands for implementation and full enforcement of the language rights protected under the Constitution have given rise to conflicts between official language minorities and their respective provincial governments; from time to time, these conflicts have resulted in court challenges, some of which have reached the Supreme Court. On the other hand, a significant majority of Canadians continue to base their attitudes toward Canada's linguistic duality on false perceptions of federal official languages policy. This means that opposition to so-called official bilingualism has crystallized into a perception that bilingualism is imposed on all Canadians; however, since the obligations under the *Official Languages Act* apply first and foremost to federal institutions, the federal approach to official languages is based on the principle of institutional bilingualism.

In this Current Issue Review, we shall examine the three basic components of federal official languages policy: language rights protected under the Constitution, the *Official Languages Act, 1988*, and support for the development of the official language minorities.

* The original version of this Current Issue Review was published in November 1993; the paper has been regularly updated since that time.

BACKGROUND AND ANALYSIS

A. The Charter and Its Effects on Language Matters

1. Language Rights Protected under the Constitution

With the passage of the *Constitution Act, 1982*, the concept of official languages was enshrined in the Constitution. Section 16 of the *Canadian Charter of Rights and Freedoms* (the Charter) establishes English and French as the official languages of Canada, with equal status and equal rights and privileges with respect to their use in the institutions of the Parliament and the Government of Canada. Sections 17, 18 and 19 set out the principle of equality of the two official languages in the proceedings of Parliament, parliamentary papers, and courts established by Parliament. Section 20 deals with the use of English or French in communications between members of the public and federal institutions. Section 23 deals with minority language education rights. In addition, section 24 provides that anyone whose Charter-protected rights or freedoms have been infringed or denied may apply to a court of competent jurisdiction to obtain remedy. (The text of sections 16 through 23 of the Charter is included at the end of this paper.)

At the express request of New Brunswick, sections 16 through 20 of the Charter apply to that province; there is, however, an important exception for section 20, the right to receive communications or services from any office of an institution of the Legislature or Government of New Brunswick in English or French is not subject to any limitation based on sufficient demand or the nature of the office. As well, a constitutional amendment was passed by the Legislative Assembly of New Brunswick in December 1992 and by Parliament in February 1993. This amendment to the Charter is an extension of New Brunswick's *Act Recognizing the Equality of the Two Official Linguistic Communities*, passed in 1981 by the Legislative Assembly of that province.

It proclaims that New Brunswick's English-speaking and French-speaking linguistic communities have equal status, rights and privileges, in particular the right to the separate educational and cultural institutions necessary to preserve and promote them. The amendment also confirms the role of the Legislature and Government of New Brunswick in preserving and promoting this status and these rights and privileges.

As might be expected, the years following the coming into force of the Charter were characterized by numerous court challenges aimed at enforcing the spirit and the letter of the supreme law of Canada with respect to language rights.

2. Interpretation and Implementation of Language Rights Protected under the Constitution

The Court Challenges Program was essential to the development of jurisprudence on language rights protected under the Constitution. This program, introduced in 1978, provided financial assistance to official language minorities wishing to have their constitutional rights clarified and asserted through the courts (section 133 of the *Constitution Act, 1867* and the *Manitoba Act, 1870*); since 1982, it has also covered the language rights set out in sections 16 through 23 of the Charter. Lastly, since 1985, it has also applied to individuals and groups challenging federal legislation, policies and practices in test cases invoking section 15 of the Charter, concerning equality rights; section 27, on Canadians' multicultural heritage; and section 28, on equality of the sexes. The program, funded by the federal government, subsidized test cases of national importance. For example, it helped ensure that French-speaking Manitobans' language rights, which had been denied since the *Official Language Act* of 1890, were recognized by the courts and the Legislative Assembly of Manitoba, and it furthered the battle to enforce the minority language education rights enshrined in section 23 of the Charter.

The announcement that the Court Challenges Program would be eliminated as part of the budget of 27 February 1992 was greeted with dismay by the minority official language communities and language rights advocates. The government argued that since the program had established a solid body of jurisprudence it no longer had any reason to exist and that, in a period of fiscal restraint, there were less costly ways to manage funding for court challenges; for example, a department could assume this responsibility on a case-by-case basis.

Reviving the Court Challenges Program was a plank in the election platforms of the Progressive Conservative Party and the Liberal Party of Canada. On 24 October 1994, the Honourable Michel Dupuy, Minister of Canadian Heritage, signed a contribution agreement for the administration of the Court Challenges Program of Canada. Funded by the Department of

Canadian Heritage, the Court Challenges Program is administered by a Corporation, a non-profit, autonomous agency

B. Implementation of the Official Languages Policy within the Federal Government

1. The *Official Languages Act*, 1988.

The *Official Languages Act* of 1969 followed up on the recommendations of the Royal Commission of Inquiry on Bilingualism and Biculturalism for broadening the scope and application of section 133 of the *Constitution Act, 1867*. The purpose was to give English and French equal status, not only in Parliament and before the courts of Canada, as section 133 provided, but throughout the federal administration as well.

The *Official Languages Act* had not been amended since its passage in 1969, despite several requests by the Standing Joint Committee on Official Languages and the Commissioner of Official Languages. The coming into force of the Charter in 1982 made reform more urgent. The government had to adapt federal legislation to the Charter, and it had to define the terms and conditions of implementing the Charter. It also wished to provide a broader legislative basis for its language policies and programs. In light of the scope of the amendments being considered, the government opted to repeal the existing statute and replace it with Bill C-72, also entitled the *Official Languages Act* (the Act).

The Act received Royal Assent on 28 July 1988 and was proclaimed on 15 September 1988, except for section 95 (concerning forms referred to in the *Criminal Code*), which came into force on 1 February 1989, and section 94 (concerning the rights of accused persons before provincial courts applying the *Criminal Code*), which was to be proclaimed later.

Parliament remedied one weakness of the former statute—its declaratory nature—by making the Act enforceable. The Act introduces court remedy in the Federal Court; under certain conditions, this remedy may be applied for by the plaintiff alone or jointly with the Commissioner of Official Languages, who is also authorized to apply to the courts for a remedy.

A general provision also corrects another shortcoming of the former statute, its lack of primacy over other federal statutes. This general provision states that the provisions of Parts I to

V of the Act, which deal with the proceedings of Parliament, legislative and other instruments, the administration of justice, communications with and services to the public, and language of work, have primacy over all other federal legislation or regulations except the *Canadian Human Rights Act*, since the principles underlying these Parts flow directly from the Constitution.

The Act requires the Secretary of State (now the Minister of Canadian Heritage) and the President of the Treasury Board to report annually to Parliament on their respective responsibilities concerning official languages. It also requires Parliament to strike a Parliamentary Committee specifically responsible for following up on the implementation of the Act and its accompanying Regulations and instructions and on the implementation of reports by the Commissioner, the President of the Treasury Board and the Secretary of State of Canada.

In the Act, Parliament specifically provided for eight cases in which implementation may give rise to regulations, particularly concerning health and safety, communications and services, language of work, and equitable participation. The government began to draw up regulations on communication with and services to the public fairly soon after the Act was passed, but took a very long time to complete them.

2. The Official Languages (Communications with and Services to the Public) Regulations

The Act defines the responsibilities of federal institutions concerning communication with and services to the public. The government adopted the Official Languages (Communications with and Services to the Public) Regulations on 16 December 1991; this event marked the conclusion of a parliamentary process begun on 8 November 1980 with the tabling of proposed draft regulations in the House of Commons. The Regulations clarify the language obligations of federal organizations and specify the circumstances in which Canadians may expect to be served in the official language of their choice.

The Regulations guarantee service to the majority in its own language. Official language majority and official language minority are defined in relation to the total population of a province or territory. The Regulations complete key provisions of the Act concerning federal offices where there is "significant demand" for service in both official languages, those where the

"nature of the office" makes service in both official languages reasonable, and contracted services for travellers.

The Regulations on "significant demand" include provisions based on census data on the size of the minorities (either absolute size, or number and proportion, whichever is appropriate) and, where local demographic data are not relevant, provisions based on the volume of demand in the minority language. The Regulations on the "nature of the office" apply to specific federal services, regardless of level of demand, and include provisions on health and safety signage, national parks, embassies, the main federal offices located in the Northwest Territories and the Yukon, and popular national or international exhibitions.

The Regulations on contracted services at facilities for travellers apply to federal airports, railway stations and ferry terminals where demand is significant. Services covered include restaurant, car rental, foreign exchange and air carrier services provided at these facilities. The Regulations also specify the terms and conditions of providing these services.

Most provisions in the Regulations came into effect on 16 December 1992: the provisions on significant demand that automatically give rise to the offer of services in both official languages, and the provisions on the nature of the office. The provisions on significant demand that require an assessment of demand in each official language, and the provisions affecting the main federal offices in the Northwest Territories and the Yukon came into effect on 16 December 1993. Lastly, the provisions on contracted services at federal facilities for travellers, maritime communications and search and rescue operations came into effect on 16 December 1994.

The Regulations apply to all institutions covered by the *Official Languages Act*, including departments, Crown corporations, and Air Canada (under the *Air Canada Public Participation Act*). They do not apply to federal offices located in the National Capital Region or to federal head offices, both of which are already required to serve the public in both official languages by a provision of the Act.

On 16 February 1995, the Commissioner of Official Languages released a survey of service to the public at federal offices designated as able to respond to Canadian citizens in both English and French. Results of the study varied significantly from one province or territory to another, but overall the auditors obtained service in the target language 79% of the time. Quebec

had the highest rate (98.8%) of federal offices showing the potential to serve the public in the minority language. Outside Quebec, service in French was obtained only 72% of the time. Service in French was most difficult to find in Saskatchewan (available 50% of the time). The Commissioner made 10 recommendations aimed at rectifying the shortcomings identified by the auditors.

3. Review of Official Languages Policies and Directives

Another long-awaited stage in the implementation of the *Act* was completed in June 1993, when the Treasury Board published a new version of the *Manual, Official Languages*. This book consolidates official languages policies and directives for all federal institutions. The policies flow from the legal obligations imposed on Treasury Board and federal institutions by the Parts of the Act dealing with services to the public, language of work, and participation by English-speaking and French-speaking Canadians, and by the accompanying Regulations on services to the public. While the provisions of the Act apply to all federal institutions, including departments, agencies and Crown corporations, some policies apply only to the federal institutions for which the Treasury Board acts as the employer.

The new version of the policies and directives has the advantage of clarifying and standardizing the rules; however, one may wonder whether it will be adequate to ensure full enforcement of the Act. Indeed, the Commissioner of Official Languages regularly states in his Annual Report that, despite progress made in some areas, evolution toward equitable use of English and French in the workplace is slow.

C. Federal Support for the Official Language Minorities

Section 41 of the *Official Languages Act* sets out the federal government's commitment to "enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society." Under section 42 of the Act, the Minister of Canadian Heritage is responsible for encouraging and promoting a coordinated approach to the

fulfilment of this commitment by federal institutions. In addition, two programs of the Department of Canadian Heritage underlie the federal government's commitment to the linguistic duality of Canada.

1. Support for Official Languages in Education

a. The Official Languages in Education Program

Since 1970, the federal government has co-operated with the provinces to allow members of the official language minority communities to study in their own language and enable young Canadians to learn French or English as a second language. The Official Languages in Education Program is widely regarded as a model of effective and harmonious federal-provincial cooperation in an area of provincial jurisdiction. Under bilateral agreements, the federal government reimburses the provincial and territorial governments for part of the additional expenditures they incur to provide education in the minority official language (programs and services, program development, teaching materials, teacher training, and student assistance) and to allow students speaking the majority official language (Francophones in Quebec and Anglophones in the rest of the country) to learn their second official language.

The Official Languages in Education Program was evaluated by a consulting firm between July 1991 and January 1992. The evaluation report found that federal financial support by means of this Program remains essential to the continuance of minority language education in most provinces. The report also emphasized that the need for minority language education support is greater in the smaller provinces.

In March 1993, Cabinet approved the renewal of the Official Languages in Education Program for a five-year period (from 1993-94 through 1997-98). Negotiations are continuing for the renewal of the multilateral protocol with the Council of Ministers of Education, Canada (CMEC), to be followed by the conclusion of new bilateral agreements with each province and territory. In the meantime, interim annual agreements have had to be signed with each province and territory.

b. Special Measures concerning School Governance and Post-Secondary Education

Section 23 of the Charter has been the basis of many court challenges in several provinces where parents and the provincial authorities have not agreed on how section 23 affects the right of the official language minority community to control and manage its primary and secondary educational institutions in its own language. In 1990, the Supreme Court made a historic decision recognizing the remedial nature of section 23, thus rejecting a restrictive interpretation (*Mahé et al. v. Alberta*, [1990] 1 SCR 342). After recalling that section 23 confers, first and foremost, a general right to minority language education, the Supreme Court specified that, in its opinion, this right nonetheless encompasses a "sliding scale" of requirements: where numbers warrant, the upper level of this scale of requirements provides the right to have children educated in publicly funded minority language educational institutions managed by the minority community; the term "instruction" in section 23 indicates the lower level of the scale of constitutionally mandated institutional requirements. Three years later, the Supreme Court decision concerning parents' committees in Manitoba clarified and reinforced the principles set out in *Mahé (Fédération provinciale des comités de parents inc. v. Manitoba (Attorney General))*, Supreme Court of Canada decision, 4 March 1993). The Supreme Court recognizes the provinces' freedom to choose the form of school governance to be offered to the official language minority communities.

The fact that, more than ten years after the coming into force of the Charter and despite two Supreme Court decisions, several provinces were still not fulfilling their constitutional obligations concerning school governance led the federal government to take the initiative. On 20 May 1993, the Secretary of State announced Cabinet approval of \$112 million in assistance over six years (from 1993-94 to 1998-99) for special measures concerning school governance and post-secondary education in French. The purpose of these special measures, carried out in cooperation with the provinces, is to guarantee the implementation of section 23 of the Charter in each of the four western provinces and Nova Scotia and Newfoundland, so that Francophones will have the governance of their educational institutions, and to support the development of postsecondary education in French in Alberta, Ontario, New Brunswick and Nova Scotia. Since the special measures were announced, the Legislative Assemblies of Saskatchewan, Manitoba, and

Alberta have adopted amendments to their education legislation that pave the way for implementation of French-language school governance by Francophones.

2. Promotion of Official Languages

a. Intergovernmental Cooperation

The federal government funds provincial and territorial governments interested in creating new services or improving existing services in the minority language, and promoting greater understanding between the country's two linguistic communities. Since 1988, eight provinces and two territories have signed multi-year agreements with the federal government with respect to health and social services, legal services and municipal affairs.

b. Support to Official Language Minority Communities

i) Direct Support to Organizations and Institutions

The exercise launched by the Department of Canadian Heritage in 1994 to reposition direct support to official language minority communities made it possible to put in place new mechanisms for cooperation and funding in a context of declining resources. The approach adopted, Canada-community agreements, encourages individual communities to take greater control.

A Canada-community agreement is an agreement reached between the Department of Canadian Heritage and the organization or organizations representing a provincial or territorial official language minority community. Such an agreement sets multi-year funding for the entire community and outlines the Department's commitments related to community development, federal-provincial cooperation and interdepartmental coordination. It also establishes the mechanisms through which community organizations together set their own priorities and suggest how available funds should be allocated. Finally, it creates a forum in which the community and the Department can review priorities and discuss the distribution of available funds.

By mid-September, the Franco-Ontarian community was the only community that had not yet signed a Canada-community agreement. This delay is due to the fact that the funding provided by the Department of Canadian Heritage falls well short of the expectations of the Coalition negotiating on behalf of 55 Franco-Ontarian organizations.

ii) National Strategy for the Implementation of Sections 41 and 42 of the *Official Languages Act*

On 16 August 1994, the Minister of Canadian Heritage announced that the Cabinet had approved the establishment of an accountability framework for the implementation of sections 41 and 42 of the 1988 version of the Act. This government initiative followed appeals by the Commissioner of Official Languages and organizations representing official language minority communities for more vigorous leadership by the Department in fostering interdepartmental cooperation.

The measures announced target key institutions in areas of intervention that are vital to official language minority communities and that have the greatest impact on their development, notably institutions involved in the areas of economic, human resource and cultural development. Each key institution is required to develop an action plan for the implementation of section 41, taking into account the specific needs of official language minority communities. Ministers responsible for key institutions must submit these plans to the Minister of Canadian Heritage and report once a year to him on the results attained. Finally, the Minister of Canadian Heritage's annual report on official languages must highlight the action plan of each key federal institution and the results attained during the previous year.

The 1995-96 action plans were submitted to the Minister of Canadian Heritage in the summer of 1995. On May 28, 1996, the Official Languages Commissioner appeared before the Standing Joint Committee on Official Languages and presented the results of his evaluation of the action plans, carried out at the request of members of this Committee. He also made public two documents entitled respectively *Analysis Framework for the Evaluation of Plans Implementing Part VII of the Official Languages Act, 1988* and *Evaluation Report of*

the First Generation of Action Plans for the Implementation of Part VII of the Official Languages Act of 1988.

The evidence heard by the Committee showed that, in general, institutional planning is inadequate and that the institutions do not seem to understand fully the aim and scope of the two commitments set out in section 41 of the *Official Languages Act*. It also pointed to the fact that a number of plans contained no mention of the need for accountability.

In its June 1996 report to Parliament, the Committee stated its view that “the mediocre results of the first attempt to formulate action plans for implementation of sections 41 and 42 of the *Official Languages Act* can to a great extent be attributed to the fact that the Minister of Canadian [...] has not been invested with the authority to compel the designated institutions to respect Parliament’s intentions.” The Committee made two recommendations to the Prime Minister calling for corrective action to be taken as rapidly as possible.

3. Concerns Raised by Reductions to Grants and Contribution Budgets

The Economic and Financial Statement of 2 December 1992 marked the beginning of a series of cutbacks in grants and contributions by the federal government. The budget allocated for contributions to the provinces and territories under the Official Languages in Education Program for 1996-97 was \$155,918,000, while real contributions for the 1992-93 reference year were \$245,348,000. Similarly, the budget under the Promotion of Official Languages Program for direct support to organizations and institutions in official language minority communities was \$22,312,000 for 1996-97, while real program expenditures had reached \$29,539,000 for 1992-93.

While recognizing that the minority official language communities must do their part to reduce the deficit, the Commissioner of Official Languages expressed concern about the possible repercussions of the reductions on the vitality of these communities. He reminded the federal authorities that the minority official language communities are essential components of Canada's social fabric and, as such, deserve to have their special characteristics taken into account.

PARLIAMENTARY ACTION

Over the years, a considerable number of official languages measures have been taken in Parliament; they are listed below.

- July 1969 - The *Official Languages Act* received Royal Assent.
- June 1973 - Parliament passed a special *Resolution on Official Languages*, reiterating the principles of the 1969 statute and confirming the right of public servants to work in the official language of their choice.
- June 1978 - *Bill C-72* received Royal Assent. It amended the *Criminal Code* to give accused persons the right to be heard by a judge or by a judge and a jury who speak their official language, whether this is English or French.
- May 1980 - Parliament created a Special Joint Committee on Official Languages, responsible for evaluating progress made in the 10 years since the passage of the *Official Languages Act*.
- December 1981 - Parliament passed a *Proposed Resolution for a Joint Address to Her Majesty Concerning the Constitution of Canada*, including a *Charter of Rights* that incorporated the language rights provided for in the *Official Languages Act* and other new rights related to minority language education.
- October 1983 - Parliament unanimously passed a resolution on the language rights of Francophone residents of Manitoba; another resolution on the same subject was passed on 24 February 1984.
- May 1984 - Parliament struck the Standing Joint Committee on Official Languages Policy and Programs; in February 1986, this Committee became the Standing Joint Committee on Official Languages.
- July 1988 - The New *Official Languages Act* received Royal Assent.
- December 1989 - The Standing Committee of the House of Commons on Human Rights and the Status of Disabled Persons tabled a



Report unanimously recommending renewal of the Court Challenges Program until 31 March 2000.

- May 1990 - In its response to this Committee Report, the Minister of State (Multiculturalism and Citizenship) agreed on behalf of the government to renew the Program until 1995.
- June 1990 - The Standing Joint Committee on Official Languages tabled a unanimous Report urging the government to table the proposed draft regulations in Parliament as soon as possible.
- October 1990 - The Commissioner of Official Languages tabled a special report in Parliament urging the government to table the proposed draft regulations on communications with and services to the public immediately and then, with due diligence, to table all the regulations required under the Act.
- November 1990 - The proposed draft regulations on the delivery of federal services to the public in both official languages were tabled in Parliament.
- May 1991 - The Standing Joint Committee tabled its Report, including dissenting opinions, on the proposed draft regulations on the delivery of federal services to the public in both official languages.
- The House of Commons struck the Standing Committee on Official Languages, which replaced the Standing Joint Committee on Official Languages.
- June 1991 - Dr Victor Goldbloom succeeded Mr. D'Iberville Fortier as Commissioner of Official Languages.
- February 1992 - In its budget, the federal government announced the elimination of the Court Challenges Program.
- June 1992 - The Standing Committee of the House of Commons on Human Rights and the Status of Disabled Persons tabled a Report entitled *Paying Too Dearly*, in which it unanimously recommended that the Court Challenges Program be maintained and restructured in the form of a Foundation. In December 1992, the Minister of

Multiculturalism and Citizenship indicated that the government was not able to re-establish this Program.

- February 1993 - Parliament passed a constitutional amendment, previously passed by the Legislative Assembly of New Brunswick in December 1992; it proclaimed in the Charter the equality of that province's English-speaking and French-speaking communities.
- 16 June 1996 - The Standing Joint Committee on Official Languages tabled a report entitled *Implementation of Part VII of the Official Languages Act*, which made two recommendations for rectifying the shortcomings noted in the implementation of the strategy announced in August 1994.

CHRONOLOGY

- June 1991 - The *Fédération des Francophones hors Québec* (FFHQ) [federation of Francophones outside Quebec] became the *Fédération des communautés francophones et acadienne du Canada* (FCFA) [federation of French-speaking and Acadian communities of Canada].
- 30 June 1992 - The Legislative Assembly of Nova Scotia passed Bill 268, An Act to amend the Education Act and the School Boards Act, to allow Francophones to manage Nova Scotia's French-language schools.
- 26 October 1992 - In a national referendum, Canadians answered "No" to the question, "Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?"
- 4 March 1993 - In a decision in *Reference re Public Schools Act (Manitoba)*, the Supreme Court stated that "the Manitoba authorities must, without delay, put into place a régime and a system that would permit the Francophone minority to exercise its rights effectively." It specified that "the number of potential French-language students warrants the establishment of an independent school board in Manitoba under the exclusive management and control of the French-language minority."

- 2 June 1992 - The Legislative Assembly of Saskatchewan passed Bill 39, the Education Amendment Act, which allows French-language schools to be established in Saskatchewan. French-language school boards in Saskatchewan, which would have exclusive control over education in French as a first language, would be composed of elected parents eligible under the Charter, and would have the same powers as English-language school boards, except for the power to tax.
- 17 June 1993 - The National Assembly of Quebec passed Bill 86, An Act to amend the Charter of the French Language, bringing certain provisions of the Charter concerning the language of the legislature and the courts, the language of commerce and business, and the language of instruction into harmony with the decisions made by various authorities.
- 27 July 1993 - The Legislative Assembly of Manitoba passed Bill 34, the Public Schools Amendment (Francophone Schools Governance) Act. This Act created a French-language school division and a French-language school board composed of elected trustees responsible for administering the French-language school division.
- 9 November 1993 - The Legislative Assembly of Alberta passed Bill 8, amending the School Act and allowing French-language school governance by Francophones.

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EXCERPTS FROM THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

OFFICIAL LANGUAGES OF CANADA

16

- (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.
- (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.
- (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

17

- (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
- (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

18

- (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.
- (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

19

- (1) Either English or French may be used by any person in, or any pleading in or process issuing from, any court established by Parliament.
- (2) Either English or French may be used by any person in, or any pleading in or process issuing from, any court of New Brunswick.

20

- (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where
 - (a) there is a significant demand for communications with and services from that office in such language; or
 - (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.
- (2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

21

Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

22

Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

23

(1) Citizens of Canada

- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

- (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.
- (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province
 - (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
 - (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.



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25 % FIBRES RECYCLÉES



ACCO USA

WHEELING, ILLINOIS 60090

ITEM NO. 25072



MADE
IN
USA

50505

25072

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LT. BLUE/BLEU/AZUL CLARO

